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13 Attorneys for Defendants  
COSTCO WHOLESALE CORPORATION  
14 and ZODAX, L.P.

15  
16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **OAKLAND DIVISION**  
19

20 GATE FIVE GROUP LLC dba ROOST, a  
California Limited Liability Company,  
21  
22 Plaintiff,

23 vs.

24 COSTCO WHOLESALE CORPORATION, a  
Washington Corporation, ZODAX, L.P., a  
25 limited partnership and DOES 1-100,  
26  
27 Defendants  
28

CASE NO. CV 10 1288 CW

**STIPULATION AND [PROPOSED]  
ORDER FOR DISMISSAL WITH  
PREJUDICE**

1 Plaintiff Gate Five Group, LLC dba ROOST, Defendant Costco Wholesale Corporation,  
2 and Defendant Zodax, L.P., hereby submit the following stipulation to dismiss the above-  
3 captioned action with prejudice:

4 IT IS HEREBY STIPULATED by and between the parties to this action that this action be  
5 dismissed in its entirety, with prejudice, with each party to bear its own costs and fees.

6  
7 DATED: October 22, 2010

Respectfully submitted,

8 Hiaring + Smith, LLP

9  
10 By: /s/ Vijay K. Toke  
Anne Hiaring Hocking  
Vijay K. Toke

11  
12 Attorneys for Plaintiff  
GATE FIVE GROUP LLC dba ROOST

13  
14 DATED: October 22, 2010

Sedgwick, Detert, Moran & Arnold LLP

15  
16  
17 By: /s/ Matthew A. Fischer  
James J.S. Holmes  
Matthew A. Fischer

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19 Attorneys for Defendant  
20 COSTCO WHOLESALE CORPORATION and  
21 ZODAX, L.P.

**ORDER**

PURSUANT TO THE PARTIES' STIPULATION AND GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that the above-captioned action is hereby dismissed in its entirety, with prejudice, each party bearing its respective fees and costs.

DATED: November 7, 2010



Honorable Claudia Wilken  
Judge of the United States District Court